

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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JAVIER ALFREDO VILLELA,
Plaintiff,
vs.
STATE OF NEVADA,
Defendant

Case No. 2:15-cv-826-LDG-VCF

ORDER

**MOTION TO STAY (#7)
MOTION TO PROVIDE THE CASE NUMBER (#9)**

This matter involves Javier Villela's civil action against the State of Nevada. He commenced the action on May 4, 2015. On May 6, 2015, the court entered a report and recommendation advising the District Judge to dismiss Villela's action because Villela's complaint (1) failed to comply with Rule 8, (2) appeals a final decision of a trial court, and (3) commenced a 1983 action against the State of Nevada.

Now, Villela seeks an emergency stay “due to federal appeal of lack of jurisdiction” and requests the court to provide him with a case number “to the appeal to dismiss for lack of jurisdiction.” Because a report and recommendation to dismiss is pending before the District Judge, these motions are not ripe. Villela may refile these requests in the event that the District Judge does not adopt the pending report and recommendation.

The court is sympathetic to Villela's frustrations. He is proceeding *pro se* and litigation in federal court is complicated. He complains that "this appeal was dismissed just two days" after it was filed. Villela is advised that this action is not an appeal. This is a trial court, not a court of appeals. If Villela wishes to appeal a decision by a trial court, he must file an appeal with the appropriate court of appeals.

ACCORDINGLY, and for good cause shown,

IT IS ORDERED that Villela's Motion to Stay (#7) is DENIED.

1 IT IS FURTHER ORDERED that Villela's Motion to Provide Case Number (#9) is DENIED.
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3 IT IS SO ORDERED.
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5 DATED this 28th day of July, 2015.

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CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE